

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

PEDRO RAMOS,	)	
	)	
Plaintiff,	)	
	)	No. 09 C 1058
-vs-	)	
	)	
CITY OF CHICAGO,	)	
CHICAGO POLICE OFFICERS	)	
STANLEY, #9024,	)	Judge Darrah
JOHNSON, #12758,	)	
SHANAHAN, #12531,	)	Magistrate Judge Keys
CLAUDIO, #19132, and	)	
PAGAN, #20350,)	)	(jury demand)
	)	
Defendants.	)	

**DEFENDANTS' JOINT MOTION FOR SUMMARY JUDGMENT**

Defendants, Officers John Stanley ("Stanley"), Jim Johnson ("Johnson"), Cesar Claudio ("Claudio"), Timothy Shanahan ("Shanahan") and Detective Michael Pagan ("Pagan"), (collectively "Defendant Officers") by one of their attorneys, Mary McCahill, Assistant Corporation Counsel for the City of Chicago, and Defendant, City of Chicago ("City"), by it's attorney, Mara S. Georges, Corporation Counsel for the City of Chicago, and pursuant to Fed. R. Civ. P. 56(b), move this Court for summary judgment on the claims alleged in Plaintiff's Amended Complaint. In support of their motion, defendants state as follows:

1. Plaintiff has filed an Amended Complaint against the City and Chicago Police Officers Stanley, Johnson, Claudio, Shanahan and Pagan under 42 U.S.C. §1983 ("Section 1983") and Illinois law. Plaintiff alleges that on September 27, 2007, Defendant Officers falsely arrested him, maliciously prosecuted him and violated his due process rights and that Defendant City is liable on principles of indemnification and respondeat superior. See Plaintiff's Amended

Complaint.

2. In fact, Defendant Pagan never arrested Plaintiff, and therefore does not possess the requisite personal involvement to sustain liability under §1983. Defendants Stanley, Pagan, Claudio and Shanahan had probable cause to arrest Plaintiff based on the information they possessed at the time. Likewise, Plaintiff's malicious prosecution claim is without merit as there is no evidence in the record demonstrating a lack of probable cause for his arrest; that Defendants acted with malice; and that Plaintiff sustained damages. Additionally, Plaintiff's Fourteenth Amendment claim was not properly brought as it amounts to an improper hybrid between a Fourth Amendment claim and a state malicious prosecution claim. Finally, any purported claim for indemnification also fails because there is no liability on the part of the Defendant Officers.

3. There being no genuine issue of material fact as to the claims alleged in Plaintiff's complaint, defendants are entitled to summary judgment as a matter of law.

4. Defendants have simultaneously filed a Local Rule 56.1 statement of uncontested facts and memorandum in support of this motion for summary judgment.

WHEREFORE, for the reasons stated in their memorandum in support of this motion for summary judgment, defendants City, and Defendant Officers John Stanley, Jim Johnson, Cesar Claudio, Timothy Shanahan and Detective Michael Pagan request this Court to grant summary judgment in their favor on Plaintiff's Amended Complaint, and for such other relief as the Court deems appropriate.

Respectfully submitted,

/s/ Mary McCahill  
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